



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2011-04
Date: February 3, 2011
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 58 Liberty Ave

Applicant Name: David Franzel

Applicant Address: 2 Burns Rd, Lexington MA 02421

Property Owner Name: same

Agent Name: Adam Dash, Esq.

Agent Address: 48 Grove St, Ste. 304, Somerville MA 02144

Alderman: Rebekah Gewirtz

Legal Notice: Applicant & Owner David Franzel seeks a Special Permit under SZO §4.4.1 to create living space in the basement of a nonconforming structure (§8.5.E).

Zoning District/Ward: RA / 6

Zoning Approval Sought: Special Permit §4.4.1 and §5.1

Date of Application: Jan 11, 2011

Dates of Public Meeting • Hearing: Planning Board 2/3/11 • Zoning Board of Appeals 2/16/11

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a two-family dwelling on a 4833 sf lot. The structure has several dormers making it a 3 story structure with a sloping roof. The Applicant currently has a building permit to renovate the entire building. Part of the renovations includes building a by-right rear deck, egress stairs, and a door to the basement storage unit. The basement is currently unfinished space for storage and utilities.



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2. Proposal: The proposal is to convert 608 sf of the basement into living space for the first floor unit. The approval will allow the applicant to complete his plans to have a game room, bedroom, bathroom and laundry room in the basement. Areas for storage and utilities will remain. The bedroom in the basement will be relocated from the second floor so that there will be no change to the number of bedrooms in each unit. One unit has 3 bedrooms and the other has 4 bedrooms. The in-swing casement window proposed for the bedroom will be 36" wide by 46" tall to replace an existing 36" wide by 24.5" tall window. The window will be approximately at grade from the exterior of the building.

3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements, including minimum lot size, floor area ratio, and front and side yard setbacks.

The proposed additional living space would require a special permit to increase the nonconforming floor area ratio (FAR). The FAR maximum in the RA district is 0.75 and the existing FAR in the building is 0.87. With the additional living space the total FAR would be 0.99. Therefore, this existing nonconformity requires the Applicant to obtain a special permit under §4.4.1 of the SZO.

The change to the window in the proposed bedroom is within a conforming setback and therefore a special permit is not required for this change.

4. Surrounding Neighborhood: The surrounding neighborhood is residential with two- and three-family houses. The massing of the houses on the street is similar to that of the subject property.

5. Impacts of Proposal: The additional living space will not change the use of the property nor the number of bedrooms in the unit. The Applicant intends to move into the first floor unit and would like a space for his pool table and television and a bedroom for guests in the basement. There will continue to be room for storage for both units in the basement. The exterior of the structure will only be altered slightly because an existing window will be made 21.5” taller. The change to the window will be on the side of the structure and will not be very visible from the street. There are no anticipated negative impacts from the proposal.

6. Green Building Practices: The Applicant did not list any green building practices.

7. Comments:

Fire Prevention: Has been contact but has not yet provided comments.

Ward Alderman: Has been contact but has not yet provided comments.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1, 5.1):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied: The Staff finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. Compliance with Standards: The Applicant must comply “with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit.”

In considering a special permit under §4.4 of the SZO, the Staff finds that the alterations proposed will not be substantially more detrimental to the neighborhood than the existing structure. The additional living space will be used in conjunction with the first floor unit – the space will not change the use of the property nor the number of bedrooms. The alteration to the exterior of the structure includes enlarging an existing window by 21.5”. The window will be on the side of the structure and will not be very visible from the street.

3. Consistency with Purposes: The Applicant has to ensure that the project “is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles.”

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to conserving the value of land and buildings; and the purpose of the RA district in providing additional living space in a single-family home.

4. Site and Area Compatibility: The Applicant has to ensure that the project “(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses.”

The additional living space in the basement will only require an alteration to a window on the side of the house at the basement level. The massing of the structure, which is similar to surrounding houses, will not change. The use as a two-family is compatible with surrounding land uses.

III. RECOMMENDATION**Special Permit under §4.4.1, 5.1**

Based on the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the construction of 608± sf living space in the basement of the two-family house. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Jan 11, 2011</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Jan 4, 2011</td><td>Plans submitted to OSPCD (AS-2 site plan, AG-1 existing conditions, AG-2 existing floor plans, AG-3 floor area calculations proposed)</td></tr></table>				Date (Stamp Date)	Submission	Jan 11, 2011	Initial application submitted to the City Clerk's Office	Jan 4, 2011	Plans submitted to OSPCD (AS-2 site plan, AG-1 existing conditions, AG-2 existing floor plans, AG-3 floor area calculations proposed)
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Any changes to the approved square footage that are not <i>de minimis</i> must receive SPGA approval.										
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
3	The Applicant shall complete the installation of the new exterior siding.	CO	Plng.							
4	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.							

